

Notice of Allowability

Application No.

09/854,818

Examiner

Courtney D. Fields

Applicant(s)

MEUSHAW ET AL.

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 November 2004.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 14 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

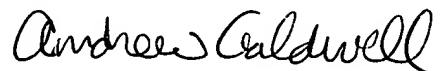
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

Response to Arguments

1. Applicant's arguments, see Affidavit Under Rule 131 pages 1-2, filed 19 November 2004, with respect to claims 1-14 have been fully considered and are persuasive. The rejection of claims 1-14 has been withdrawn, with regards to the prior art Robin et al. (Analysis of the Intel Pentium's Ability to Support a Secure Virtual Machine Monitor) and Morgan et al. (U.S. Patent No. 5,893,084).

Affidavit/Declaration

2. The affidavit has been entered and considered to overcome the rejection because the prior art does not predate the filing of the Applicant's patent application.

3. The declaration filed on 19 November 2004 under 37 CFR 1.131 is sufficient to overcome the Robin et al. (Analysis of the Intel Pentium's Ability to Support a Secure Virtual Machine Monitor) and Morgan et al. (U.S. Patent No. 5,893,084) reference.

Allowable Subject Matter

4. **Claims 1-14 are allowed.**

5. The following is an examiner's statement of reasons for allowance: The present invention is directed to a virtual machine monitor device for secure computing between virtual machines. The closest prior art Robin et al. (Analysis of the Intel Pentium's Ability to Support a Secure Virtual Machine Monitor), Morgan et al. (U.S. Patent No. 5,893,084), Garfinkel et al. (A Virtual Machine-Based Platform for Trusted Computing), and Cota-Robles et al. (Pub No. US 2003/0037089) does not overcome the filing date of the Applicant's patent application.

6. Therefore, **independent claims 1 and 9** and the respective **dependent claims 2-8 and 10-14** are in condition for allowance.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/854,818

Page 4

Art Unit: 2137

A handwritten signature in black ink, appearing to be the initials 'cdf'.

cdf

March 25, 2005

A handwritten signature in black ink, reading 'Andrew Caldwell'.

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**